

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Francis W. Daly, Jr.

Attorney Docket No. H000-1-1126

Serial No.: 10/823,951

Group Art Unit: 2857

Filing Date: April 13, 2004

Examiner GUTIERREZ, A.

Title: WEATHER INCIDENT PREDICTION

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

TO THE COMMISSIONER OF PATENTS:

**AMENDMENT AND RESPONSE**

Sir,

Pursuant to the Notice of Appeal dated December 19, 2005, the Notification of Non-Compliance with the Requirements of 37 CFR 11.37(c) dated February 9, 2006, and the Notification of Non-Compliant Appeal Brief mailed April 23, 2007, please enter the following amendments to the Appeal Brief submitted December 21, 2005 and amended April 11, 2006:

**(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1) Claims 1 and 3-387 are rejected under 35 USC § 103(a) as being obvious over US Patent 5,974,360 to Otsuka, et al. in view of US Patent 5,615,118 to Frank, and further in view of US Patent 5,077,558 to Kuntman.

**(8) ARGUMENT**

1) Rejection of Claims 1 and 3-387 under 35 U.S.C. § 103

**(10) APPENDIX OF EVIDENCE RELIED UPON BY APPELLANT**

None.

**(11) APPENDIX OF COPIES OF RELATED APPEALS AND INTERFERENCES**

None.